

ESTTA Tracking number: **ESTTA664519**

Filing date: **04/02/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding.	91207107
Applicant	Plaintiff Boston Red Sox Baseball Club Limited Partnership
Other Party	Defendant Michael Litterio
Have the parties held their discovery conference as required under Trademark Rules 2.120(a)(1) and (a)(2)?	Yes

## Motion for an Extension of Answer or Discovery or Trial Periods With Consent

The Close of Plaintiff's Trial Period is currently set to close on 05/07/2015. Boston Red Sox Baseball Club Limited Partnership requests that such date be extended for 30 days, or until 06/06/2015, and that all subsequent dates be reset accordingly.

Time to Answer :	CLOSED
Deadline for Discovery Conference :	CLOSED
Discovery Opens :	CLOSED
Initial Disclosures Due :	CLOSED
Expert Disclosure Due :	CLOSED
Discovery Closes :	CLOSED
Plaintiff's Pretrial Disclosures :	04/22/2015
Plaintiff's 30-day Trial Period Ends :	06/06/2015
Defendant's Pretrial Disclosures :	06/21/2015
Defendant's 30-day Trial Period Ends :	08/05/2015
Plaintiff's Rebuttal Disclosures :	08/20/2015
Plaintiff's 15-day Rebuttal Period Ends :	09/19/2015

The grounds for this request are as follows:

- *Parties are unable to complete discovery/testimony during assigned period*
- *Parties are engaged in settlement discussions*
- *Significant progress has been made towards settlement of this matter. Since the institution of the proceedings, the parties have had verbal and written settlement negotiations, have drafted, reviewed and proposed term sheets, as well as drafted and exchanged multiple versions of an agreement, which includes an amendment of Applicant's revised mark, as well as comments concerning the agreement. Since the parties last sought an extension, Applicant reviewed the agreement and Opposer's comments regarding two open issues. The parties have agreed on all core issues on the agreement. The additional time is required to allow Applicant time to confirm that there are no further comments, for Opposer's counsel to then make the final revisions to the agreement, and for the parties to continue to work towards settlement of this matter. The parties also note that during the last short extension, Opposer's counsel and Applica-*

*ant's counsel conferred regarding the matter on March 17th, March 22nd, March 28th, April 1st, and April 2nd. The parties strongly believe they will timely resolve this matter. If the agreement is accepted by both parties, there will be no need to proceed with this Opposition. Additionally, the parties request that the proceedings be suspended pending disposition of this motion.*

Boston Red Sox Baseball Club Limited Partnership has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

Boston Red Sox Baseball Club Limited Partnership has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

## **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Respectfully submitted,

/Aryn M. Emert/

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